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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11 IN RE COLLEGE ATHLETE NIL  
12 LITIGATION

CASE NO. 4:20-CV-03919-CW

13 ~~PROPOSED~~ ORDER GRANTING  
14 PLAINTIFFS' MOTION TO APPROVE  
MANNER AND FORM OF CLASS NOTICE  
**AS MODIFIED**

15 Hon. Claudia Wilken  
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This matter is before the Court on Plaintiffs’ Motion to Approve Manner and Form of Class Notice (“Motion”).

Having considered Plaintiffs’ Motion, the declarations submitted in support thereof, and finding the notices and notice plan satisfy the requirements of Fed. R. Civ. P. 23(c)(2)(B), the Motion is GRANTED, and the Court hereby ORDERS:

1. The Court has reviewed Plaintiffs’ notice plan, as described in Plaintiffs’ Motion and accompanying materials (the Notice Plan). Plaintiffs propose using a combination of direct notice via email and, if necessary, regular mail (postcard) to all class members for whom contact information is reasonably available, as well as a robust publication notice campaign focused on digital media, a press release, organizational outreach, a case-specific website, and a toll-free telephone number to deliver notice to potential class members. The Notice Plan is expected to reach more than 70% of the class via the publication notice campaign alone, and it will reach more potential class members via direct notice and organizational outreach. The Court finds that this notice plan provides the best practicable notice under the circumstances.

2. Kurtzman Carson Consultants Class Action Services, LLC (KCC) shall be appointed as the notice administrator for the Plaintiffs and shall implement the Notice Plan, as described in Plaintiffs’ Motion and accompanying materials. Plaintiffs shall maintain a case-specific website to host the notice documents and other information about the case at [www.NILCollegeAthleteLitigation.com](http://www.NILCollegeAthleteLitigation.com).

3. Plaintiffs have attached to their Motion a **revised** long-form notice, email notice, and postcard notice. *See* Exhibits A–C to the Declaration of Carla A. Peak, **and docket number 405-2 (revised long-form notice)**. The Court has reviewed these notices. The notices use neutral language to describe: (1) the nature of the action; (2) the definition of the certified class; (3) the claims and issues related to the lawsuit; (4) class counsels’ identity and contact information; and (4) the binding effect of a judgment on class members. The proposed notices also tell class members that they can opt out of the class by requesting an exclusion before the deadline, sets out the consequences of opting out, and informs them that if they opt out, they may bring their own case through their own attorney, if desired. In other words, the notices apprise class members “of the pendency of the class action and give [them]

a chance to be heard.” *Ross v. Trex Co. Inc.*, 2013 WL 791229, at \*1 (N.D. Cal. Mar. 4, 2013) (citing *Silber v. Mabon*, 18 F.3d 1449, 1453–54 (9th Cir. 1994)).

4. The Court sets the following deadlines with respect to class notice:

- a. The Notice Start Date. Within **14 days from the entry of this Order**, KCC shall begin implementing the Publication Notice portion of the Notice Plan. Within **14 days from the entry of this Order**, KCC shall begin implementing the Direct Notice portion of the Notice Plan.
- b. The Exclusion Deadline. Class members who wish to opt-out of the class shall request exclusion **within 60 days of the conclusion of the Publication Notice portion of the Notice Plan**.
- c. Deadline to inform the Court. Class Counsel shall file a list with the names and addresses of every member who has opted out of the class **within 14 days of the Exclusion Deadline**.

**IT IS SO ORDERED.**

Dated: 3/1/2024



The Honorable Claudia Wilken  
United States Senior District Court Judge  
Northern District of California